

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
NORFOLK DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO.: 2:20-cr-11

XAVIER HOWELL,

Defendant.

PROPOSED VOIR DIRE QUESTIONS

COMES NOW the Defendant, Xavier Howell, by counsel, James O. Broccoletti, and as and for his Voir Dire Questions doth respectfully submit the following:

Ability To Follow Essential Instructions

1. Do any of you have any feelings or opinions that might make it difficult for you to follow an instruction given to you by the Court that the defendant is presumed to be innocent, and that this presumption follows him throughout the entire course of these proceedings?

2. Do any of you have any feelings or opinions that might make it difficult for you to follow an instruction that the burden rests upon the government to prove beyond a reasonable doubt each of the elements of the charges against the defendant, and that you must find the defendant not guilty of any offense charged against him which is not so proven?

3. The mere fact that any person, such as Mr. Howell, has been charged and is on trial in no way means in and of itself that he has done anything wrong or that he is

guilty of anything. Do any of you have any feelings or opinions that might make it difficult for you to accept that principle?

Bias Regarding Charges

The charges brought by the government in this case against the defendant involve allegations of conspiracy to distribute and possession with intent to distribute methamphetamines.

4. Have you, or any members of your immediate family had any experiences relating to any kind of conspiracy or possession charges, which might make it more difficult for you to render a verdict based solely on the law and the evidence?

Present/Prior Employment

5. Are you or any member of your immediate family currently employed, or have you ever been employed in the past, with the federal government? If so, what position?

6. Are you or any member of your immediate family currently employed, or have you ever been employed in the past, with the Commonwealth of Virginia or other state government, or any city or county government or any other local government, and if so, what position?

7. Have you or any member of your immediate family ever been employed in a law-related job, including working for an attorney, a prosecutor (including a United States Attorneys Office), a Court, as a paralegal, or as a court stenographer/reporter?

Possible Biases Relating to Cooperating Witnesses

8. In criminal trials such as this case, there are sometimes witnesses who have entered into a deal under which the witnesses agree to cooperate with the

prosecution in exchange for leniency. Different people have different opinions about whether It is appropriate for the government to enter into such agreements. Please raise your hand if you have any strong feelings or opinions about whether it is appropriate or inappropriate for the government to enter into such agreements with certain witnesses. Please explain.

Other Questions Regarding Possible Bias

9. Have you or any member of your immediate family ever worked with any prosecutors office as a victim or witness?

10. Do any of you have any feelings or opinions that might prevent you from judging the testimony of the defendant in this case just as you would judge the testimony of any other witness or which would cause you to believe his testimony less just because he is the one on trial here today?

11. On the other hand, if the defendant chooses to exercise his right under our Constitution not to testify, would any of you have any difficulty following an instruction from the Court that you may not consider the defendants failure to testify in any way in arriving at your verdict?

12. Do any of you have any feelings or opinions that might make you believe a prosecution witness testimony more than that of the defense witness just because the witness is testifying for the prosecution?

13. Do any of you have any feelings or opinions that might make you believe a police or law enforcement officers testimony more than that of a non-law enforcement officer just because the witness happens to be a law enforcement officer?

14. Although the law provides that a defendant who is accused or a crime is

presumed innocent, it is not uncommon for people to think, "Well, they must have committed some crime or else they would not be accused." Has that thought crossed your mind as you have sat here today? Please explain.

15. Do you believe that it is probably more likely than not that this defendant is guilty, otherwise the government would not have investigated him and brought him to trial. Please explain.

know the person?

16. Would you believe the testimony of a law enforcement officer over that of a citizen simply because he is a law enforcement officer?

17. Without identifying the person, have you had a child, family member, or close friend who has had a problem with drugs?

18. Have you ever been treated for a "drug problem?"

Respectfully submitted,

_____/s/_____
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CERTIFICATE OF SERVICE

I hereby certify that on the 7 day of July, 2021, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to the following:

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